S.B.Civil Revision Petition No.377/2006

Smt. Amri Devi and others.
vs.
Heera Lal.

Date : 3.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. DK Parihar, for the petitioners.

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Heard learned counsel for the petitioners.

The court below allowed the application filed by the respondent/defendant for setting aside the judgment and decree dated 13.10.1999.

According to learned counsel for the petitioners, the respondent had full knowledge of the pendency of the suit and he filed application under Order 9 Rule 13 CPC after inordinate delay. It is also submitted that the process server obtained the signatures of the witnesses on the summon of the defendant which was served on the defendant but the court below has committed serious error in not relying upon the endorsement made on the summon for service of the defendant. It is submitted that the court below has further committed error in observing that the witnesses who witnessed the service were not neighbours.

I considered the submissions of learned counsel for the petitioners and perused the facts of the case.

Since it is a case relating to cancellation of adoption deed which has far reaching consequences and once the trial court has held that the witnesses who made endorsements for service upon the defendant cannot be relied upon, this Court is not inclined to interfere in the said order while exercising the revisional jurisdiction under Section 115 CPC.

In view of the above, this revision petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya